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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,524	07/03/2003	Cem Basceri	MICRON.098CDV2	8174
20995	7590	08/16/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			BREWSTER, WILLIAM M	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2823	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,524	Applicant(s) BASCERI ET AL.	
	Examiner William M. Brewster	Art Unit 2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0703; 0204; 0504</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawahara et al., U.S. Patent No. 5,989,635.

Kawahara anticipates a method for forming a substantially haze-free BST film, comprising: in fig. 1, supplying BST sources into a chamber, from liquid source 44, vaporizing chamber, 50, col. 2, lines 30-49; heating the chamber to a temperature above about 600° C: 400 to 600° C, col. 2, lines 30-49; and depositing the BST film at a rate of between about 10 and about 100 Å/min: 30 Å/min, col. 2, line 66 - col. 3, line 11; limitations from claim 2, wherein the BST film is deposited at a rate of less than about 80 Å /min: 30 Å/min, col. 2, line 66 - col. 3, line 11; limitations from claim 3, wherein the chamber is heated to a temperature between about 600° C and 680° C, col. 2, lines 30-49; limitations from claims 4, wherein the substrate is heated to a temperature of about 500 to 580° C; heating the substrate to a temperature of about 500 to 550°

C before depositing said electrode material: wherein the reaction chamber is heated at 400 to 600° C, and the substrate is heated by being within the reaction chamber, col. 2, lines 30-49;

limitations from claims 5, 12: the method further comprising: in fig. 4, depositing an electrode material 35 before depositing said BST film 34, and depositing a second electrode, 33, above the BST film col. 4, lines 32-65;

limitations from claims 7, 8, 14, 15: the method wherein the resulting BST film comprises about 50 to 53.5 atomic percent titanium, further comprises about 52 to 53 atomic percent titanium: wherein the ratio of $(Ba + Sr)/Ti = 1.0$, col. 2, line 66 - col. 3, line 11;

limitations from claim 10: the method of depositing BST film until a BST film having a thickness of about 150 to 300 Å is formed, col. 2, line 66 - col. 3, line 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara as applied to claims 1-10, 12-15 above, and further in view of Tarutani et al., U.S. Patent No. 6,179,920 B1.

Kawahara does not specify a deposition rate of 80 Å/min, but Tarutani does. Tarutani teaches in fig. 4, forming a substrate 6 and depositing a BST film at a rate of 50-90 Å/min, col. 9, lines 36-50. Tarutani gives motivation in col. 9, lines 36-50. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize that combining Tarutani's process with Kawahara's invention would have been beneficial because the invention generates lower residue necessitating less cleaning of the apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Brewster whose telephone number is 571-272-1854. The examiner can normally be reached on Full Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


13 August 2004
WB